

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Robert P. DesRoches

v.

Civil No. 05-cv-88-PB

John E. Potter, Postmaster General,  
United States Post Office

O R D E R

I have reviewed plaintiff's motion to amend (doc. no. 47) and all of the documents he submitted in support of the motion, including plaintiff's reply memorandum. Reviewing the matter de novo, I conclude that the amended complaint should not be permitted. Plaintiff is seeking to use a second amended complaint to revive issues that have already been the subject of extensive motion practice. His motion is untimely and he has failed to sufficiently explain his failure to seek a timely amendment. It would be unfair to the defendant and the court to permit plaintiff to proceed with the second amended complaint. Plaintiff's objection to the Magistrate Judge's Order denying his motion to amend (doc. no. 59) is overruled.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

September 17, 2008

cc: Leslie Johnson, Esq.  
T. David Plourde, Esq.